

the State Treasurer to sell and liquidate any and all bonds or interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States now on deposit in the Permanent Old Age Pension Fund, etc., and declaring an emergency."

S. B. No. 8 passed to engrossment by a viva voce vote.

On motion of Senator Van Zandt, the constitutional rule requiring bills to be read on three several days was suspended by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Woodruff.

Read third time and passed finally by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Woodruff.

Resolutions Signed.

The Chair, President Pro Tem. Roy Sanderford, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

- S. C. R. No. 4.
- S. C. R. No. 5.

Adjournment.

On motion of Senator Small, at 1:45 o'clock, the Senate adjourned until 10 o'clock a. m. Thursday.

APPENDIX.

Committee on Engrossed Bills.

Committee Room.

Austin, Texas, Oct. 14, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 8 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Oct. 13, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 5 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Oct. 12, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 4 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

October 15, 1936.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Roy Sanderford.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Holbrook.
Blackert.	Hornsby.
Collie.	Isbell.
Cotten.	Martin.
Davis.	Moore.
DeBerry.	Neal.
Hill.	Nelson.

Oneal.	Small.
Pace.	Stone.
Poage.	Sulak.
Rawlings.	Van Zandt.
Redditt.	Weinert.
Regan.	Westerfeld.
Sanderford.	Woodruff.
Shivers.	

Absent—Excused.

Burns.

Senator Excused.

Senator Burns was excused on account of important business, on motion of Senator Cotten.

Prayer by the Chaplain, Rev. W. B. Allen:

Father, we would be laborers in thy vineyard this day. Not complaining of the wages at even-tide, but knowing that thou art just. We would not envy the laborer who begins only in the twilight hour. Thou alone knowest the hearts of men, and thou alone can value the labors of our hands. By the sweat of thy brow shall thou eat bread until thou returneth to the ground. Oh! may we accept labor as God's divine purpose in our lives.

Until earth's last sunset may our prayers be: Let the labors of our hands and the meditations of our hearts be acceptable in thy sight, O Lord, our strength and our Redeemer. Amen.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Cotten.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.**Senate Bill No. 12.**

By Senator Poage:

S. B. No. 12, A bill to be entitled "An Act defining certain words, terms and phrases; fixing venue for injunctions to restrain State officials from the performance of their duties, in Travis County, Texas; providing that before any restraining order or injunction shall issue to

restrain the collection of certain special taxes, fees and penalties, the applicant therefor shall pay into the suspense account of the Treasurer all taxes, fees and penalties then due and thereafter becoming due during the pendency of said injunction; etc., and declaring an emergency.

Read and referred to the Committee on Civil Jurisprudence.

S. C. R. No. 12.

By Senator Regan:

A resolution relating to and providing for the payment of warrants and vouchers issued by towns and cities in the State of Texas for funds received and used by such towns and cities in a sum not to exceed ten thousand (\$10,000.00) dollars prior to June 1, 1932, and applying to such warrants and vouchers issued as renewals of such original warrants and vouchers.

Read and referred to the Committee on State Affairs.

H. C. R. No. 10.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Wells:

H. C. R. No. 10, Granting T. G. Allen of Navarro County, Texas, permission to maintain and prosecute suit against the State Highway Commission of Texas.

Senator Cotten moved that the rule requiring committee reports to lie over one day be suspended.

The motion prevailed.

H. C. R. No. 10 was read and adopted.

H. C. R. No. 9.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. McFarland:

H. C. R. No. 9, Granting the State Life Insurance Company of Indianapolis, Indiana, permission to sue the State Highway Commission and/or the State of Texas.

Senator Oneal moved that the rule requiring committee reports to lie over one day be suspended.

The motion prevailed.

H. C. R. No. 9 was read and adopted.

H. C. R. No. 14.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Craddock:

H. C. R. No. 14, Granting Mrs. Gertrude Pugh of Mineola, Wood County, Texas, permission to sue the State of Texas and the State Highway Department for loss received in the death of her husband while employed by the State.

Senator Pace moved that the rule requiring committee reports to lie over one day be suspended.

The motion prevailed.

H. C. R. No. 14 was read and adopted.

H. C. R. No. 11.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Alsop:

H. C. R. No. 11, Granting W. D. Hill and wife, Willie Hill, of Carthage, Panola County, Texas, to bring suit against the State of Texas and the State Highway Commission for damages suffered in removing certain buildings.

Senator Hill moved that the rule requiring committee reports to lie over one day be suspended.

The motion prevailed.

H. C. R. No. 11 was read and adopted.

H. C. R. No. 6.

The Chair laid before the Senate on its second reading the following resolution.

H. C. R. No. 6, Granting W. L. Walker of Hamlin, Jones County, Texas, permission to bring suit against the State of Texas and the State Highway Commission for damage.

Senator Collie moved to suspend the rule requiring committee reports to lie over one day.

Motion prevailed.

H. C. R. No. 6 was read and adopted.

H. C. R. No. 5.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Bradbury:

H. C. R. No. 5, Granting Mike Martin of Weatherford, Texas, permission to sue the State of Texas for damages.

Senator Collie moved to suspend the rule requiring committee reports to lie over one day.

Motion prevailed.

H. C. R. No. 5 was read and adopted.

H. C. R. No. 13.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Lanning:

H. C. R. No. 13, Granting Mrs. Virginia Thomas, Jacksboro, Jack County, Texas, permission to bring suit against the State of Texas and the State Highway Department for loss received in the death of her husband and son while in the employment of the State Highway Department.

Senator Woodruff moved that the rule requiring committee reports to lie over one day be suspended.

Motion prevailed.

H. C. R. No. 13 was read and adopted.

H. C. R. No. 12.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Lanning:

H. C. R. No. 12, Granting Odis Wade of Perrin, Jack County, Texas, permission to bring suit against the State of Texas and the State Highway Department for damages.

Senator Woodruff moved that the rule requiring committee reports to lie over one day be suspended.

Motion prevailed.

H. C. R. No. 12 was read and adopted.

S. C. R. No. 13.

Senator Sulak sent up the following resolution:

By Senator Sulak:

Whereas, The national administration has made appropriations for and perfected a National set-up to administer the Rural Electrification Program, through which said Rural Electrification Administration proposes to cooperate with local

organizations in aiding rural communities and residents in securing the benefits of rural electrification of farms and ranches, etc., the said Rural Electrification Administration cooperating with local existing agencies and others that may be established, private, municipal and corporate, making loans to said local organizations for the purpose of constructing transmission lines, the wiring of residence barns and other out-houses and for the purchase of electric appliances.

Read and referred to the Committee on State Affairs.

Executive Session.

On motion of Senator Oneal, the Senate went into Executive Session at 11:24 o'clock a. m.

The time set for the Executive Session having arrived, the Chamber was cleared and the doors locked.

After Executive Session.

At 12:10 o'clock p. m., the conclusion of the Executive Session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, Oct. 14, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations to whom was referred the following appointments by the Governor, have had same under consideration, and I, as Chairman of said Committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed:

To be a Member of the State Board of Barber Examiners:

L. E. Gray, of Ranger, Eastland County, Texas.

To be Pilot Commissioners for the Port of Freeport, Texas:

Charles Skinner, of Velasco, Brazoria County;

C. J. Rogan, of Freeport, Brazoria County;

R. D. Collins;

E. C. Tobey, of Freeport, Brazoria County.

To be Directors of the Guadalupe-Blanco River Authority:

E. M. Cape, of San Marcos, Hays County;

N. M. Crane, of Cureo, DeWitt County;

W. H. Crane, of Victoria, Victoria County;

B. B. Hoskins, Jr., of Gonzales, Gonzales County.

To be members of the State Liquor Control Board:

D. B. Benson, of Bowie, Montague County;

J. W. Williams, of Port Arthur, Jefferson County;

D. J. Decherd, of Flatonia, Fayette County.

ONEAL, Chairman.

Adopted.

Motion to Recess.

On motion of Senator DeBerry, the Senate recessed until 2 o'clock p. m. today.

After Recess.

The Senate was called to order by Lieutenant Governor Walter F. Woodul at 2 o'clock p. m., pursuant to recess.

Senator Poage sent up the following resolution:

Whereas, The Legislature of the State of Texas has, by suitable resolutions, advised authorities at Washington of recent disastrous floods on the Brazos River and its tributaries; and

Whereas, Said resolutions brought out the fact that the recurrence of disastrous overflows on the Brazos River could be prevented by the building of dams as outlined in the "Brazos Project," which project has been approved by President Roosevelt; and

Whereas, Said resolutions asked that the President of the United States immediately allocate funds for the building of said dams; and

Whereas, The Texas Legislature has in various ways expressed its approval of the Brazos project and made possible the commencement of this work by appropriate actions in the past; therefore, be it

Resolved by the board of directors of the Brazos River Conservation and Reclamation District, That the gratitude of the district be expressed to the members of the Legislature for their many services to the district, and thank them for their very appropriate and effective action in this particular instance, and that a copy

of this resolution be forwarded to the Senate and the House of Representatives of the Legislature of Texas.

Passed by unanimous action at a meeting of the board of directors of the Brazos River Conservation and Reclamation District at Temple, Texas, October 13, 1936.

HENRY DUNLAVY,
Secretary of the Board.

Senator Van Zandt moved that a letter of appreciation be written.

The motion carried.

Invitation.

Senator Martin sent up the following invitation to be printed in the Journal:

Hill County Centennial Historical
Committee.

Hillsboro, Texas, Oct. 13, 1936.

Dear Fellow-Texan:

On Sunday afternoon, October 18th, the replica of Fort Graham, constructed on the site of the old fort by the Commission of Control on Centennial Celebrations, will be dedicated. The ceremonies will start at 2:30 p. m.

This fort played an important part in the history of Texas, and the people of Hill County are happy to have this recognition given to what is probably our most historical spot.

The committee in charge has requested me to extend to you an invitation to be present, and I take great pleasure in doing so. We would be glad to have you attend the dedication ceremonies.

Fort Graham is located in western Hill County, 18 miles west of Hillsboro. (From Hillsboro go to Whitney and take the Fort Graham road.) This drive will permit you to see some old country, and very picturesque. You and your family and friends would be welcome.

Sincerely yours,

BURRIS C. JACKSON,

Chairman, Hill County Historical
Committee.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Oct. 15, 1936.

Hon. Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 11, A bill to be entitled
"An Act amending H. B. No. 10,
Regular Session, Forty-first Legisla-
ture, 1929; and declaring an emer-
gency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Motion to Mimeograph.

Senator Shivers moved that the committee substitute, with amendments to H. B. No. 8, which were offered at the hearing, be mimeographed.

Senator Van Zandt moved to amend the motion by adding that all other amendments be mimeographed also.

The motion, as amended, was adopted.

Senate Resolution No. 18.

By Senator Hornsby:

Whereas, Mrs. W. A. Poage, the mother of our beloved colleague, Senator Bob Poage; his cousins, Mrs. John Bell and Miss Margaret Sheldon of Waco, are now visiting in their capital city; therefore, be it

Resolved, That they be extended a cordial welcome, and accorded privileges of the floor.

Read and adopted.

Senator Shivers received unanimous consent to withdraw his motion to mimeograph H. B. No. 8.

Senator Rawlings moved to suspend the rules requiring committee reports to lie over one day and take up H. B. No. 8 at this time.

The motion prevailed by the following vote:

Yeas—29.

Beck.	Isbell.
Blackert.	Martin.
Collie.	Moore.
Cotton.	Neal.
Davis.	Nelson.
DeBerry.	Oneal.
Hill.	Pace.
Holbrook.	Poage.
Hornsby.	Rawlings.

Redditt. Sulak.
Regan. Van Zandt.
Sanderford. Weinert.
Shivers. Westerfeld.
Small. Woodruff.
Stone.

Absent—Excused.

Burns.

House Bill No. 8.

The Chair laid before the Senate on its second reading the following bill:

By Messrs. James and Frazier:

H. B. No. 8, A bill to be entitled "An Act levying and imposing occupation taxes on certain industries, and public utilities, and natural resources; providing how the moneys, so derived; shall be allocated to the Texas Old Age Assistance Fund; levying an occupation tax on gas, electric light, electric power, or water works, or water and light plants, etc.; and declaring an emergency."

Resolution Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 15.

Committee Amendment No. 1.

By Senator Hornsby:

Amend H. B. No. 8, by striking out all of Section 3A of said bill.

The amendment was adopted by the following vote:

Yeas—17.

Beck.	Regan.
Blackert.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Moore.	Weinert.
Neal.	Westerfeld.
Rawlings.	

Nays—10.

Collie.	Pace.
Cotten.	Poage.
DeBerry.	Redditt.
Nelson.	Van Zandt.
Oneal.	Woodruff.

Absent.

Davis. Hill.

Absent—Excused.

Burns.

Committee Amendment No. 2.

By Senator Martin:

Amend H. B. No. 8, by striking out all of Section 15 thereof.

Read.

Pending.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Oct. 15, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 37, A bill to be entitled "An Act authorizing the issuance of interest-bearing warrants to pay old age assistance benefits, making an appropriation, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Senator Martin moved the adoption of Committee Amendment No. 2.

The amendment was adopted by the following vote:

Yeas—24.

Beck.	Poage.
Collie.	Rawlings.
Davis.	Redditt.
Hill.	Regan.
Holbrook.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Martin.	Stone.
Moore.	Sulak.
Neal.	Weinert.
Oneal.	Westerfeld.
Pace.	Woodruff.

Nays—3.

Cotten.	Van Zandt.
DeBerry.	

Present—Not Voting.

Blackert.	Nelson.
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Absent—Excused.

Burns.

Committee Amendment No. 3.

By Senator Regan:

Amend H. B. No. 8, Section 2A, by inserting after the word "water" and before the word "shall" in the third line the following: "for medicinal purposes."

Read.

Pending.

Amendment No. 3-A.

Senator Poage sent up substitute for Committee Amendment No. 3:

Amend Section 2A by striking out all of said section.

Resolution Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 4.

The substitute amendment was read and adopted.

The question recurred on the amendment as substituted.

The substitute amendment was adopted by a viva voce vote.

Committee Amendment No. 4.

By Senator Stone:

Amend H. B. No. 8 by striking out paragraph 4 of Section 4.

The amendment was read and adopted by the following vote:

Yeas—22.

Blackert.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Holbrook.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Martin.	Stone.
Moore.	Sulak.
Neal.	Weinert.
Oneal.	Westerfeld.

Nays—7.

Beck.	Nelson.
Burns.	Van Zandt.
Collie.	Woodruff.
Hill.	

Absent.

Poage.

Committee Amendment No. 5.

By Senator Woodruff:

Amend H. B. No. 8, by adding a new section as follows:

Section 16A. The following words, terms, and phrases as used in this Act are hereby defined as follows:

(a) The Term "Owner" as used herein shall mean and include any person, individual, firm, company, association or corporation owning or having the care, control, management or possession of any "coin-operated machine" in this State.

(b) The term "Operator" as used herein shall mean and include any person, firm, company, association or corporation who exhibits, displays or permits to be exhibited or displayed, in his or its place of business or upon premises under his or its control, any "coin-operated machine" in this State.

(c) The term "Coin-operated machine" as used herein shall mean and include every machine or device of any kind or character which is operated by or with coins, or metal slugs, tokens or checks. "Merchandise or music coin-operated machines" and "skill or pleasure coin-operated machines" as those terms are hereinafter defined, shall be included in such terms.

(d) The term "Merchandise or Music coin-operated machine" as used herein shall mean and include every coin-operated machine of any kind or character, which dispenses or vends or which is used or operated for dispensing or vending, merchandise, commodities, confections or music and which is operated by or with coins or metal slugs, tokens or checks. The following are expressly included within said term: candy machines, gum machines, sandwich machines, handkerchief machines, sanitary drinking cups, phonographs, pianos, graphophones, radios, and all other coin-operated machines which dispense or vend merchandise, commodities, confections or music.

(e) The term "skill or pleasure coin-operated machines" as used herein shall mean and include every coin-operated machine of any kind or character whatsoever, other than coin-operated machines used exclusively for dispensing or vending merchandise or music and nothing else, when such machines are

operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of "merchandise or music" or "Service" exclusively, as those terms are defined herein. The following are expressly included within said term: marble machines, marble table machines, marble shooting machines, miniature race track machines, miniature football machines, miniature golf machines, miniature bowling machines, and all other coin-operated machines which dispense or afford skill or pleasure. Provided that every machine or device of any kind or character which dispenses or vends merchandise, commodities or confections or plays music in connection with or in addition to such games or dispensing of skill or pleasure shall be considered as skill or pleasure machines and taxed at the higher rate fixed for such machines.

(f) The term "service coin-operated machines" shall mean and include pay toilets, pay telephones and all other machines or devices which dispense service only and not merchandise, music, skill or pleasure.

1. Every "owner" as that term is hereinabove defined, who owns, controls, possesses, exhibits, displays, or who permits to be exhibited or displayed in this State any "coin-operated machines" as that term is defined herein, shall pay an annual occupation tax to be determined by the following schedule:

Series "1" (a) For each "merchandise or music coin-operated machine" as that term is hereinabove defined, a fee of Twenty Dollars (\$20) where the coin, fee or token used, or which may be used, in the operation thereof is one of the value in excess of Five (5) Cents, or represents a value in excess of Five (5) Cents.

And (b) a fee of Ten Dollars (\$10) where the coin, fee or token used, or which may be used, in the operation thereof is one of the value in excess of One (1) Cent and not exceeding Five (5) Cents or represents a value in excess of One (1) Cent and not exceeding Five (5) Cents.

Series "2" (a) For each "skill or pleasure coin-operated machine" as that term is hereinabove defined, a fee of Two Hundred Dollars

(\$200) where the coin, fee or token used, or which may be used, in the operation thereof, is one of the value in excess of Five (5) Cents, or represents a value in excess of Five (5) Cents.

And (b) a fee of One Hundred Dollars (\$100) where the coin, fee or token used, or which may be used, in the operation thereof, is one of the value in excess of One (1) Cent and not exceeding Five (5) Cents or represents a value in excess of One (1) Cent and not exceeding Five (5) Cents.

Provided that nothing herein shall prevent the "operator" of such machines from paying the tax levied in this Act for the account of the "owner" but the payment of such tax by such operator or other person shall not relieve the owner from the responsibility of complying with all provisions of this Act including the keeping of the records required herein.

2. Gas meter, pay telephones, and cigarette vending machines which are now subject to an occupation or gross receipts tax and "service coin-operated machines" as that term is defined, are expressly exempt from the tax levied herein.

3. Every coin-operated machine subject to the payment of the tax levied herein, and upon which the said tax has not been paid as provided herein, is hereby declared to be a public nuisance, and may be seized and destroyed by the Comptroller of Public Accounts, his agents, or any law enforcing agency of this State as in such cases made and provided by law for the seizure and destruction of common nuisances.

4. (a) Any person who shall invoke the power and remedies of injunction against the Comptroller of Public Accounts of the State of Texas to restrain or enjoin him from enforcement of the collection of the tax levied herein upon any grounds for which an injunction may be issued, shall file such proceedings in a court of competent jurisdiction in Travis County, Texas, and venue for such injunction is hereby declared to be in Travis County, Texas.

(b) Before any restraining order or injunction shall be granted against the Comptroller of Public Accounts of the State of Texas to restrain or enjoin the collection of

the taxes levied herein the applicant therefor shall pay into the suspense account of the State Treasury all taxes, fees, and assessments then due by him to the State and the application for restraining order or injunction shall reflect said fact of payment under oath of the applicant, his agent, or attorney. Provided that said applicant shall keep for the inspection at all times of the Attorney General and the Comptroller of Public Accounts of this State or their authorized representatives, a well bound book record, showing all coin-operated vending machines possessed and in operation during the pendency of such restraining order or injunction. Such book record shall show the make and kind of machine, the serial number, the date such machine was put in operation, and the location and serial number of each and every machine possessed or operated within the State. Provided further that said applicant shall make and file with the Comptroller of Public Accounts daily, excluding Sundays and legal holidays, a report on a form to be prescribed by said Comptroller, showing the ownership, make and kind, and the serial number of every such machine operated by said applicant within this State. Said report shall also show the county, city, and location within the city and county of each machine and the date such machine was placed in operation. In the event the location or ownership of any machine is changed such information shall be included in said report. Said application and temporary injunction or restraining order shall be immediately dismissed and dissolved after hearing if said applicant fails, at any time before the case shall have been finally disposed of by the Court of last resort, to keep the records or make and file the reports required herein or to pay daily, excluding Sundays and legal holidays, into the suspense account of the Treasurer all taxes, fees and assessments due and thereafter becoming due, and such taxes shall be paid before such machines are operated, exhibited or displayed for operation within this State. The Comptroller of Public Accounts of this State, or his authorized representatives, may file in the Court granting such injunction an affidavit that said ap-

plicant has failed to comply with the provisions of this Act or has violated the same. Upon the filing of said affidavit, the Clerk of said Court shall issue notice to the said applicant to appear before such Court upon the date named therein, which shall be within five (5) days from service of such notice or as soon thereafter as the Court can hear the same, to show cause why such injunction should not be dismissed, which notice shall be served by the Sheriff of the county in which applicant resides or any other peace officer in this State. In the event the injunction is finally dissolved or dismissed all taxes, fees and assessments, paid into the suspense account of the Treasurer under the provisions of this Act shall be paid to the funds to which such taxes, fees and assessments are allocated. If the final judgment maintains the right of applicant to a permanent injunction to prevent the collection of such taxes the funds so deposited shall be refunded by the Treasurer to said applicant.

No person, firm, association or corporation required to pay the taxes levied herein to the State may receive or take advantage of any benefit of any restraining order or injunction against the Comptroller of Public Accounts, to restrain the collection of the tax levied herein except such person, firm, association or corporation as may have applied for said injunction. All other persons not securing an injunction shall pay to the Comptroller of Public Accounts all taxes, fees, and assessments due by him under the provisions of this Act and said restraining order or injunction shall, in no way, interfere with or impair the power of the Comptroller of Public Accounts of this State to collect and enforce the payment of the taxes, fees, and assessments involved in any litigation from taxpayers not parties to the restraining order or injunction. Provided further, that no court shall entertain or hear any restraining order or injunction nor shall any restraining order or injunction be granted in behalf of any class or group unless and until each and every member of such class and/or group shall have been made a party to the cause of action, and shall have paid or deposited the taxes as herein before provided.

5. (a) For the purpose of enabling the Comptroller to determine the tax liability of the owners or operators of coin-operated vending machines in this State, or whether a tax liability has incurred, every individual, company, corporation, and/or association who owns, operates or displays any coin-operated machine in this State shall have a separate and different serial number stamped by indenture into the stationary wood or metal of each machine in a manner that such serial number cannot be removed or transferred to another machine, and such serial number shall be shown on the application for a license or permit and on the license or permit issued. If any person shall indent the same serial number on more than one machine or shall exhibit, display or have in his possession within this State any coin-operated machine with the license or permit of the Comptroller attached thereto and bearing the wrong serial number or a license or permit bearing a different serial number from the serial number stamped by indenture on said machine, he shall be guilty of a misdemeanor and punished as set out in Section 12 of this Act. The possession, exhibition or display of more than one machine bearing the same serial number operated under the same management or ownership, shall be prima facie evidence that the owner of such machines indented the same serial number on each machine for the purpose of evading payment of the tax levied herein.

(b) Provided further, the license or permit issued by the Comptroller to evidence the payment of the tax levied herein shall be securely attached to the machine in a manner that will require continued application of steam and water to remove the same.

6. (a) The Comptroller of Public Accounts shall have the authority to make and publish rules and regulations, not inconsistent with this Act or the other laws or the Constitution of this State or of the United States, for the enforcement of the provisions of this Act and the collection of the revenues hereunder.

(b) If any individual, company, corporation or association who owns, operates, exhibited or displays any coin-operated machine in this State,

shall violate any provision of this Act or any rule and regulation promulgated hereunder, the Comptroller of Public Accounts shall have the power and authority to forfeit all licenses or permits issued to any of the foregoing persons by giving written notice, stating the reason justifying such forfeiture and the same shall be forfeited five (5) days from the date of such notice. No new licenses or permits shall be issued within a period of one (1) year to any one whose licenses or permits have been forfeited, except at the discretion of the Comptroller of Public Accounts. If the licenses or permits of any individual, company, corporation, or association owning, operating or displaying coin-operated machines in this State is forfeited, such individual, company, corporation, or association shall not operate, display or permit to be operated or displayed such machines until the licenses or permits are reinstated or until new licenses or permits are granted.

7. The Comptroller of Public Accounts of this State is hereby authorized, ordered and directed to collect, and issue licenses or permits for the payment of the tax levied herein and to employ all the agencies of the law available to him for the enforcement of the provisions of this Act. Provided, however, that where the tax, as now levied under the provisions of Chapter 116, Acts of the First Called Session of the Forty-third Legislature as amended by Chapter 354, Acts of the Regular Session of the Forty-fourth Legislature, upon coin-operated vending machines, has been paid at the time of the taking effect of this Act, then, and in that event, the said Comptroller of Public Accounts is authorized and empowered to make proper adjustment thereof, by crediting pro rata, upon the annual basis, any unearned tax, to the payment of the tax hereby levied. Provided further, that ten thousand dollars (\$10,000) of the funds derived under the provisions of this Act shall be set aside annually in a special fund subject to the use of the Comptroller and so much of said fund as may be necessary shall be expended for the printing of applications, licenses and permits and for the administration and enforcement of the provisions of this Act and so much of the pro-

ceeds of said fund shall be and the same is hereby appropriated for said purposes, same to be paid as needed; any unexpended portion of said fund so specified shall at the end of the biennium be paid in the proper proportion to the funds to which the tax levied herein is apportioned.

8. Nothing herein shall be construed to license, permit, authorize, or legalize any coin-operated vending machine, the operation, display, or maintenance of which is now illegal under the Penal Code of this State, or under the Constitution of the State of Texas.

9. Every "owner" of one or more coin-operated machines in this State shall keep for a period of two (2) years for the inspection at all times by the Attorney General and Comptroller of Public Accounts of this State, or their authorized representatives, a complete book record in a well bound book of each and every such machine purchased, received, possessed, handled, exhibited or displayed in this State. Such record shall be kept at a permanent address which address shall be designated on the application for permit and shall include the following information: The make, kind and serial number of each such machine, the date acquired or received in Texas, the date placed in operation, the location or locations of each machine by serial number, including county, city, street and/or rural route number, the date of each and every change in location, the name and complete address of each and every operator together with the serial numbers of the machines operated by such operator, the full name and address of the owner, or if other than an individual the principal officers or members thereof and their addresses. Such information shall be shown completely and separately for each and every machine. The Comptroller of Public Accounts shall be authorized and it shall be his duty to forfeit all licenses, permits of every owner failing to keep such records or failing to present such records for inspection at any time upon demand by said Comptroller of Public Accounts or his authorized representatives.

10. If any "owner" of a coin-operated machine within this state shall (a) deliver to or permit to be delivered to any "operator" a coin-

operated machine without a valid license or permit issued by the Comptroller of Public Accounts of this State being attached thereto, or (b) permit any coin-operated machine under his control to be operated, exhibited or displayed within this State without said license or permit being attached thereto, or (c) if any person shall exhibit, display or have in his possession within this State any coin-operated machine without having annexed or attached thereto a license or permit issued by the Comptroller of Public Accounts of this State showing the payment of the tax due thereon for the current year, or (d) shall exhibit, display or have in his possession in this State any coin-operated machine without a serial number stamped by indenture into the wood or metal of said coin-operated machine, or (e) if any person shall exhibit, display or possess any coin-operated machine in this State with a license or permit attached thereto and bearing a different serial number from the serial number stamped by indenture on the machine to which said permit is attached, or (f) if any person required to keep records of coin-operated machines in this State shall falsify such records, or (g) shall fail to keep such records, or (h) shall refuse or fail to present such records for inspection upon the demand of the Comptroller of Public Accounts or his authorized representatives, or (i) if any person in this State shall use any artful device or deceptive practice to conceal any violation of this Act, or (j) mislead the Comptroller of Public Accounts or his authorized representatives in the enforcement of this Act, or (k) if any person in this State shall fail to comply with the provisions of this Act, or violate the same, or (l) if any person in this State shall fail to comply with the rules and regulations promulgated by the Comptroller of Public Accounts, or violate the same, he shall forfeit to the State as a penalty, the sum of not less than Twenty-five Dollars (\$25) nor more than Five Hundred Dollars (\$500). Each day's violation shall constitute a separate offense and incur another penalty, which, if not paid shall be recovered in a suit by the Attorney General of this State in a Court of

competent jurisdiction in Travis County, Texas, or any Court having jurisdiction.

11. (a) If any person shall exhibit, display or have in his possession within this State any coin-operated machine without having annexed or attached thereto a valid license or permit issued by the Comptroller of Public Accounts of this State showing the payment of the tax due thereon for the current year, or (b) shall exhibit, display or have in his possession in this State any coin-operated machine without a serial number stamped by indenture into the wood or metal of said coin-operated machine, or (c) if any person shall exhibit, display or possess any coin-operated machine in this State with a license or permit attached thereto bearing a different serial number from the serial number stamped by indenture on the machine to which said permit is attached, or (d) if any person required to keep records of coin-operated machines in this State shall falsify such records, or (e) shall fail to keep such records, or (f) shall refuse or fail to present such records for inspection upon the demand of the Comptroller of Public Accounts or his authorized representatives, or (g) if any person in this State shall use any artful device or deceptive practice to conceal any violation of this Act, or (h) mislead the Comptroller of Public Accounts or his authorized representatives in the enforcement of this Act, or (i) if any person in this State shall fail to comply with the provisions of this Act, or violate the same, or (j) if any person in this State shall fail to comply with the rules and regulations promulgated by the Comptroller of Public Accounts, or violate the same, he shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200).

12. Provided that the Comptroller of Public Accounts, or his authorized representatives, in lieu of seizing any coin-operated machine upon which the tax has not been paid as provided in Section (4) herein, may seal such machine in a manner that will prevent further operation. Whoever shall break the seal

affixed by said Comptroller or his authorized representatives, or whoever shall exhibit or display any such coin-operated machine after said seal has been broken, or shall permit to be exhibited or displayed in his place of business any coin-operated machine after said seal has been broken shall be guilty of a misdemeanor and upon conviction shall be punished as set out in Section 12 of this Act.

13. Except as herein provided in this Act, one-fourth of the net revenue derived from this Act shall be credited to the Available School Fund of the State of Texas and three-fourths of the net revenue derived from this Act shall be credited to the Old Age Assistance Fund of this State. Provided that all counties and cities within this state may levy an occupation tax on coin-operated machines in this State in an amount not to exceed one-half the State tax levied herein.

14. That all occupation taxes, penalties and interest accruing to the State of Texas by virtue of any of the reenacted or repealed provisions as set out in this Act before the effective date of this Act shall be and remain valid and binding obligations to the State of Texas for all taxes, penalties and interest accruing under the provisions of prior or pre-existing laws, and all such taxes, penalties and interest now or hereafter becoming delinquent to the State of Texas before the effective date of this Act are hereby expressly preserved and declared to be legal and valid obligations to the State.

The passage of this Act shall not affect offenses committed, or prosecutions begun, under any pre-existing law, but any such offenses or prosecutions may be conducted under the law as it existed at the time of the commission of the offense.

15. If any section, subdivision, paragraph, sentence, clause or word of this Act be held invalid or unconstitutional, the remaining portions of same shall, nevertheless, be valid; and it is declared that such remaining portions would have been enacted, notwithstanding such unconstitutional portion thereof.

16. That Chapter 116, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 354, Acts of the Regular

Session of the Forty-fourth Legislature, and all laws and parts of laws that conflict herewith are in all things repealed.

Senator Woodruff moved that the amendment be laid on table subject to call.

The motion prevailed.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Oct. 15, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 8, A bill to be entitled "An Act empowering and directing the State Treasurer to sell and liquidate any and all bonds or interest bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States now on deposit in the Permanent Old Age Pension Fund and to redeposit gross proceeds of sale in the Permanent Old Age Pension Fund and making an appropriation and transfer of all moneys, choses in action, funds and things of value from the Permanent Old Age Pension Fund to the Texas Old Age Assistance Fund and authorizing the State Treasurer and other officials of the State to take such action as may be necessary to effectuate such transfer, and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Committee Amendment No. 5-a.

By Senator Woodruff:

Amend the caption of House Bill No. 8, by inserting after the words "alcoholic contents;" at the bottom of the first page, and before the words "levying a tax" at the top of page 2, the following:

"repealing Chapter 116, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 354, Acts of the Regular Session of the Forty-fourth Legislature; defining certain words, terms

and phrases; levying an annual occupation tax on the owner of every "coin-operated Machine" as that term is defined; providing that the tax shall apply to and be collected on each and every machine possessed, exhibited or displayed within the State with certain machines and class of machines exempted, and fixing the amounts of the tax; declaring any coin-operated machine subject to the tax upon which the tax has not been paid to be a public nuisance and providing for the seizure and destruction as provided by law; fixing venue for injunction to restrain the collection of the tax levied in a court of competent jurisdiction in Travis County, Texas; requiring an applicant for such injunction to pay into the suspense account of the State Treasurer all taxes, fees and assessments due and thereafter becoming due before an injunction or restraining order shall be granted and requiring said applicant to keep certain records and make certain reports; providing that the injunction or restraining order shall be dismissed or dissolved after hearing for failure to comply with the provisions of this Act or for the violation of the same and providing for the manner and time of said hearing and the service of notice; providing the Comptroller of Public Accounts or his authorized representatives may file affidavit of such violations with court granting such injunction or restraining order; prohibiting any person, firm, association or corporation not a party to said injunction from receiving benefits therefrom; requiring a different serial number to be stamped by indenture into the stationary, wood, or metal of each machine and making it a misdemeanor and fixing the penalty for stamping the same serial number on more than one machine; providing that the same serial number on more than one machine shall, under certain conditions be prima facie evidence that the same serial numbers were indented on each machine by the owner thereof to evade payment of the tax levied; requiring the license or permit to be securely attached in a manner that will require continued application of steam and water to remove; giving the Comptroller of Public Accounts the power to promulgate rules and regulations and to forfeit licenses or per-

mits under certain conditions; providing for the procedure in such forfeitures after notice and prohibiting the operation or display of machines on which licenses or permits have been forfeited until such licenses or permits have been reinstated or new ones issued; directing the Comptroller of Public Accounts to make pro rata adjustment for tax paid under the law existing prior to the enactment of this Act; appropriating funds to the Comptroller of Public Accounts for the administration and enforcement of this Act; providing that nothing in this Act shall be construed to license, permit, authorize or legalize any coin-operated machine now held as illegal under the Penal Code or the Constitution of Texas; requiring every "owner" of one or more coin-operated machines to keep certain records in a well bound book and describing the kind of records required; requiring such records to be kept open to the inspection of the Attorney General and the Comptroller of Public Accounts or their authorized representatives for certain time limit and making it the duty of the said Comptroller of Public Accounts to forfeit licenses or permits for certain violations; prescribing a civil penalty for failure to comply with certain provisions of this Act and regulations promulgated thereunder, and describing the violations and fixing the amount of the penalty to be recovered in a suit in Travis County by the Attorney General of this State; providing each days violation shall constitute a separate offense and incur another penalty; making it a misdemeanor and prescribing a penalty for violations of the provisions of this Act and rules and regulations promulgated thereunder, and detailing and describing the kind of violations; authorizing the Comptroller of Public Accounts or his authorized representatives to seal machines under certain conditions and making it a misdemeanor to break such seals or to exhibit or display such machines after seals are broken; allocating the revenue derived hereunder; preserving taxes, penalties and interest which have accrued under pre-existing laws and declaring such taxes, penalties and interest to be legal and valid obligations to the State; providing that prosecutions for of-

fenses committed under any pre-existing law may be conducted under the law as it existed at the time of the commission of the offense;"

On motion of Senator Woodruff, the amendment was laid on the table subject to call.

House Bill No. 37.

The Chair laid before the Senate on its first reading the following bill:

H. B. No. 37, A bill to be entitled "An Act authorizing the issuance of interest-bearing warrants to pay old age assistance benefits, making an appropriation, and declaring an emergency."

Read and referred to Committee on Finance.

Bill Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 11.

House Bill No. 8.

Committee Amendment No. 6.

By Senator Moore:

Amend House Bill No. 8, Section 16, subdivision (b) by striking out "four (4) cents," and by inserting in lieu thereof the words and figures "ten (10) cents."

Read and adopted.

Committee Amendment No. 7.

By Senator Moore:

Amend House Bill No. 8, Section 16, subdivision (c) by striking out "five (5) cents" and inserting in lieu thereof the words and figures "twenty (20) cents."

Read and adopted.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Oct. 15, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 5, A bill to be entitled "An Act to create an unemployment insurance system for the State of

Texas; creating an Unemployment Compensation Fund; providing for collections, deposits, and investments of such funds; providing for withdrawals; providing for custody and management of such funds in certain contingencies; providing regular contributions and penalties; providing that claims for premiums shall have priority over other claims; providing duties of employers and employees, and prescribing penalties; designating recipients of benefits and methods of determining and paying beneficiaries; providing for determination of claims by the commission, and for judicial review; providing period, election, and termination of employers coverage; setting up an Unemployment Compensation Commission; defining powers and duties of the commission; establishing a State Employment Service; creating a special Unemployment Compensation Administration Fund, and an Employment Service Account; protecting rights and benefits; providing for representation in court; providing for non-liability of the State and the commission; defining certain terms; inserting saving clause; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 8.

Committee Amendment No. 8.

By Senator Moore:

Amend H. B. No. 8, Section 2, Subsection (a), by inserting in front of the words "ores, marble, and cinnabar ore" the word "gypsum"; and by adding to said subsection the following:

"4. On Gypsum, 10¢ per ton of 2000 pounds."

Read.

Pending.

Motion to Concur.

Senator Van Zandt moved that the Senate concur in House amendments to S. B. No. 8.

The motion prevailed by the following vote:

Yeas—30.

Beck.	Cotton.
Blackert.	Davis.
Burns.	DeBerry.
Collie.	Hill.

Holbrook.	Redditt.
Hornsby.	Regan.
Isbell.	Sanderford.
Martin.	Shivers.
Moore.	Small.
Neal.	Stone.
Nelson.	Sulak.
Oneal.	Van Zandt.
Pace.	Weinert.
Poage.	Westerfeld.
Rawlings.	Woodruff.

Motion for Conference Committee

Senator Shivers moved that the Senate do not concur in House amendments to S. B. No. 5, but requested the appointment of a free conference committee.

The motion prevailed.

Motion to Table.

Senator Collie moved to table Committee Amendment No. 8.

The motion was lost by the following vote:

Yeas—12.

Collie.	Oneal.
Davis.	Poage.
Holbrook.	Redditt.
Isbell.	Regan.
Neal.	Small.
Nelson.	Stone.

Nays—17.

Beck.	Rawlings.
Burns.	Sanderford.
Cotten.	Shivers.
DeBerry.	Sulak.
Hill.	Van Zandt.
Hornsby.	Weinert.
Martin.	Westerfeld.
Moore.	Woodruff.
Pace.	

Absent.

Blackert.

The question recurred on the adoption of Committee Amendment No. 8.

The amendment failed adoption by the following vote:

Yeas—14.

Beck.	Martin.
Burns.	Moore.
Cotten.	Pace.
DeBerry.	Shivers.
Hill.	Van Zandt.
Holbrook.	Weinert.
Hornsby.	Westerfeld.

Nays—15.

Collie.	Redditt.
Davis.	Regan.
Isbell.	Sanderford.
Neal.	Small.
Nelson.	Stone.
ONeal.	Sulak.
Poage.	Woodruff.
Rawlings.	

Absent—Excused.

Blackert.

Committee Amendment No. 9.

By Senator DeBerry:

Amend H. B. No. 8, by striking out all of Section 14 and inserting in lieu thereof the following:

"Sec. 14. Section 1, Chapter 12, Acts 1st Called Session of the 43rd Legislature, shall be amended to hereafter read as follows:

"Section 1. (1) There is hereby levied an occupation tax on oil produced within this State of two and three quarter (2¾ cts) per barrel of forty-two (42) standard gallons. Said tax shall be computed upon the total barrels of oil produced or salvaged from the earth or waters of this State without any deductions, and shall be based upon tank tables showing one hundred per cent (100%) of production and exact measurements of contents. Provided, however, that the occupation tax herein levied on oil shall be two and three-quarter (2¾) per cent of the market value of said oil whenever the market value thereof is in excess of One (\$1.00) Dollar per barrel of forty-two (42) standard gallons. The market value of oil, as that term is used herein, shall be the actual market value thereof plus any bonus or premiums, or other things of value paid therefor or which such oil will reasonably bring, if produced in accordance with the laws, rules and regulations of the State of Texas.

"(2) The tax hereby levied shall be a liability of the producer of oil and it shall be the duty of such producer to keep accurate records of all oil produced, making monthly reports under oath as hereinafter provided.

"(3) The purchaser of oil shall pay the tax on all oil purchased and deduct tax so paid from payment due producer or other interest holder, making such payments so de-

ducted to the Comptroller of Public Accounts by legal tender or cashier's check payable to the State Treasurer. Provided, that if oil produced is not sold during the month in which produced, then said producer shall pay the tax at the same rate and in the manner as if said oil were sold. -

"(4) The tax levied herein shall be paid monthly on the 25th day of each month on all oil produced during the month next preceding by the purchaser or the producer as the case may be, but in no event shall a producer be relieved of responsibility for the tax until same shall have been paid, and provided, in event the amount of the tax herein levied shall be withheld by a purchaser from payments due a producer and said purchaser fails to make payment of the tax to the State as provided herein the producer may bring legal action against such purchaser to recover the amount of tax so withheld, together with penalties and interest which may have accrued by failure to make payments and shall be entitled to reasonable attorney fees and court costs incurred by such legal action.

"(5) Provided, that unless such payment of tax on all oil produced during any month or fractional part thereof shall be made on or before the 25th of the month immediately following, such payment shall become delinquent and a penalty of ten per cent (10%) of the amount of the tax shall be added; such tax and penalty shall bear interest at the rate of six per cent (6%) per annum from date due until date paid.

"(6) The tax herein levied shall be borne ratably by all, interest parties, including royalty interests, and producers and/or purchasers of oil are hereby authorized and required to withhold from any payment due interested parties, the proportionate tax due."

Read.

Pending.

Amendment No. 9-a.

By Senator DeBerry:

Amend pending Committee Amendment No. 9 to H. B. No. 8 by inserting the following at the end of such amendment:

Subsection 7. The taxes herein provided for, when paid, shall be and

hereby are, allocated as follows, to-wit:

Three-fourths ($\frac{3}{4}$) of One (1) cent per barrel, when and as received by the Comptroller, shall be paid to the State Treasurer of Texas, and be placed to the credit of the Old Age Assistance Fund, and one-half ($\frac{1}{2}$) of the remainder of said tax, when and as received by the Comptroller, shall be paid to the State Treasurer of Texas, and be placed to the credit of the Public School Fund, and the remainder of said tax, when and as received by the Comptroller, shall be paid to the State Treasurer of Texas, and be placed to the credit of the General Fund of the State.

Read and adopted.

The amendment as amended was adopted by the following vote:

Yeas—24.

Beck.	Nelson.
Blackert.	Pace.
Burns.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Nays—5.

Collie.	Small.
Oneal.	Weinert.
Regan.	

Absent—Excused.

Moore.

Amendment No. 9-b.

By Senator Hill:

Amend Committee Amendment No. 9, line 57, Section 1, Subsection (1), page 21, by adding after the parenthesis the words "cents," and strike out the abbreviation "cts" within the parenthesis.

Read and adopted.

The question recurred on the adoption of the Committee Amendment No. 9, as amended.

Adopted by a viva voce vote.

Committee Amendment No. 10.

By Senator Small:

Amend H. B. No. 8, by striking out all of Section 10 thereof.

The amendment was adopted by the following vote:

Yeas—17.

Blackert.	Poage.
Davis.	Rawlings.
Holbrook.	Regan.
Hornsby.	Sanderford.
Isbell.	Small.
Martin.	Stone.
Neal.	Weinert.
Oneal.	Woodruff.
Pace.	

Nays—12.

Beck.	Nelson.
Burns.	Redditt.
Collie.	Shivers.
Cotton.	Sulak.
DeBerry.	Van Zandt.
Hill.	Westerfeld.

Absent—Excused.

Moore.

Amendment No. 11.

By Senator Pace:

Amend H. B. No. 8, Section 8, by striking out the period after the word "report," in line 53, on page 8, of the printed bill, and adding thereto the following: "received from business done as aforesaid in cities and towns above 10,000 population according to the last United States census next preceding the filing of said report and an amount equal to one-fourth of one per cent ($\frac{1}{4}$ of 1%) of the gross receipts received from business done as aforesaid in cities and towns having a population of 2,500 to and including 10,000 according to the last United States census next preceding the filing of said report."

Read.

Pending.

Motion to Recess.

Senator Sanderford moved that the Senate recess until 10 o'clock a. m., Friday.

Senator Woodruff moved, as a substitute motion, that the Senate recess until 9 o'clock a. m., Friday.

Motion to Adjourn.

Senator Hornsby made a substitute motion that the Senate adjourn until 10 o'clock a. m. Friday.

The motion to adjourn until 10 o'clock a. m. Friday lost by the following vote:

Yeas—14.

Beck.	Poage.
Blackert.	Rawlings.
Davis.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.

Nays—14.

Burns.	Oneal.
Collie.	Pace.
Cotten.	Redditt.
DeBerry.	Regan.
Hill.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

Absent—Excused.

Moore.	Weinert.
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The Chair voted "nay."

The question recurred on motion to recess until 10 o'clock a. m., Friday.

The motion prevailed at 5:12 o'clock p. m.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Oct. 15, 1936.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 11 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Oct. 15, 1936.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 5, Granting Mike Martin of Parker County permission to sue the State for property damage.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 15, 1936.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 6, Granting W. L. Walker permission to sue the State in Jones County for property damage.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 15, 1936.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 9, Granting the State Life Insurance Company of Indianapolis, Indiana permission to sue the State for property damage in Harde-man County.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 15, 1936.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 10, Granting T. G. Allen of Navarro County, Texas, permission to maintain and prosecute suit against the State Highway Commission of Texas for property damage.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 15, 1936.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 11, Granting W. D. Hill and wife of Carthage, Panola County, Texas, permission to sue the State for property damage.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PAGE, Chairman.

Committee Room.

Austin, Texas, Oct. 15, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 12, Granting Odie Wade of Perrin, in Jack County, permission to sue the State for property damage.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room.

Austin, Texas, Oct. 15, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 13, Granting Virginia Thomas permission to sue the State for personal injury.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room.

Austin, Texas, Oct. 15, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 14, Granting Gertrude Pugh of Mineola, Wood County, permission to sue the State for personal injury.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room.

Austin, Texas, Oct. 14, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 8, A bill to be entitled "An Act levying and imposing occupation taxes on certain industries and public utilities and natural resources and certain organizations."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, with committee amendments, and be not printed.

PACE, Chairman.

THIRTEENTH DAY—Continued.

Senate Chamber,

Austin, Texas,

October 16, 1936.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Conference Committee.

The Chair appointed as conferees on the part of the Senate on S. B. No. 5 the following:

Senators Shivers, Poage, Burns, Nelson, Rawlings.

House Bill No. 8.

Pending business was pending Amendment No. 11 by Senator Pace to H. B. No. 8.

Second reading called for.

Read and adopted.

Amendment No. 12.

By Senator Burns:

Amend H. B. No. 8, by adding a new section to be numbered 12.

Section 1. There is hereby levied against every person, firm, association, or corporation, domestic or foreign, engaged in the business of advertising by displaying and exhibiting, or to be displayed and exhibited, by outdoor advertising by placing, erecting, or maintaining one or more outdoor signs or structures of any nature, by means of sign boards, poster boards, or printed bulletins, or other printed or painted matter, or by neon or electrical signs, or otherwise, or by means of radio broadcasting or any nature whatsoever from radio broadcasting stations located within this State.

Every person, firm, association or corporation engaged in the business of advertising as outlined above shall pay an occupation tax for the privilege of engaging in such business in this State, to be computed by taxing at three per cent (3%) the total gross receipts derived from such business in this State.

Sec. 2. On the first days of January, April, July, and October of each